

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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HASSAN CHUNN; NEHEMIAH McBRIDE;  
AYMAN RABADI by his Next Friend Migdaliz  
Quinones; and JUSTIN RODRIGUEZ by his Next  
Friend Jacklyn Romanoff, individually and on  
behalf of all others similarly situated,

Civil Action No.  
20-CV-1590 (Kovner, J.)

Petitioners,

-against-

WARDEN DEREK EDGE,

Respondent.

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**DECLARATION OF ASSOCIATE WARDEN MILINDA KING**

I, Associate Warden Milinda King, declare as follows:

1. I currently hold the position of Associate Warden for Operations at the Metropolitan Detention Center in Brooklyn (“MDC Brooklyn”).
2. MDC Brooklyn is an administrative facility that houses both pre-trial detainees, holdover inmates, and designated (cadre) inmates, who serve their federal sentence at the institution.
3. As of March 31, 2020, MDC Brooklyn houses 1,749 inmates, including 38 female inmates, and 101 designated (cadre) inmates.
4. MDC Brooklyn is open and willing to consider inmates who are appropriate for release to Residential Reentry Centers (“RRC”) or home confinement. *See* Program Statement, 7310.04 (attached as Exhibit 1). This review is initially conducted by a unit

team to determine whether the inmate is eligible. Appropriate candidates are referred to the Residential Reentry Manager for a final determination.

#### **Steps Taken at the MDC to Address COVID-19**

5. MDC Brooklyn screens all new inmates, as well as any inmate returning to the facility -- *e.g.*, from a hospital trip or court. These screenings include questions relating to symptoms consistent with COVID-19, and risk of exposure, including recent travel.

6. Incoming detainees are initially screened in Receiving and Discharge ("R&D"), not in the intake housing unit or general population. They are then brought to an intake unit where they are isolated for 14 days to ensure the inmates do not develop symptoms. After the expiration of 14 days, and upon medical clearance, inmates may be released into general population.

7. Inmates being transported to Court are also screened in accordance with standing administrative orders issued by the Chief Judges of the Eastern and Southern Districts of New York. These orders require that all inmates' temperature be taken, and if he or she registers a body temperature of 100.4 degrees or higher, the inmate will not be produced.

8. Any inmate, whether a new commit or not, who presents with symptoms consistent with COVID-19 will be evaluated by the MDC Brooklyn's Health Services department. Based upon the evaluation, a determination will be made whether isolation<sup>1</sup> and testing is appropriate.

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<sup>1</sup> Isolation means that an inmate is confined to his or her cell, except to place a legal call or to shower. Personal protective equipment ("PPE") will be utilized in either of those circumstances. Quarantine, on the other hand, refers to inmates remaining on their housing unit, cohorted together. They are not required to remain in his or her cell, and may interact and utilize the common area. However, they will not be moved from the housing unit to other areas of the institution.

9. If any inmate is isolated, those inmates housed in the same housing unit with him or her will be quarantined pending results of the test, or 14 days, whichever is sooner.

10. Detainees may also be placed in a quarantine/isolation setting if exposed to a person with COVID-19, where they will be monitored daily for an incubation period of at least 14 days. Quarantine or isolation is only discontinued once 14 days elapse with no inmates developing new symptoms.

11. All new inmates admitted to the facility receive soap. Soap is also delivered to unit team on a biweekly basis. An inmate may request additional soap from unit team if he or she needs to, or purchase soap from commissary. All inmates have access to sinks and soap at all times.

12. Guidance from the BOP's Central Office Health Services Division indicates that any type of soap (whether anti-bacterial or deodorant) is effective as long as proper handwashing procedures are followed. Additionally, hand washing with soap and water is superior to using hand sanitizer. Hand sanitizer is a last resort when soap and water are not available, which they are.

13. MDC administrative staff have explained best practices regarding personal hygiene to prevent the spread of COVID-19 to both detainees and staff. Staff have been notified via email and in a recall (or all staff conference calls). Information sheets are also posted in numerous locations around the facility, including inmate housing units, the front lobby, and all departments. Staff are also notified of important updates by the BOP alert system. Examples of these information sheets are attached to this declaration as Exhibit 2.

14. Inmates have been notified via town halls, and information bulletins have been posted on TRULINCS in both English and Spanish. Executive staff members have conducted

town halls on March 13, 2020, March 20, 2020, March 21, 2020, March 24, 2020, and March 27, 2020. As guidance changes, MDC Brooklyn will continue to provide updates to the inmate population and staff members.

15. Additional sanitation procedures have been put in place. Additional and stronger cleaning supplies have been issued and used by inmates and staff alike.

16. Inmate orderlies have been provided cleaning materials, and cleaning supplies are available on the housing unit for use by inmates to clean their personal living spaces (cells).

17. Once MDC Brooklyn learned of one inmate testing positive for COVID-19 MDC Brooklyn conducted a deep clean of the facility. Inmate orderlies were provided PPE in order to clean during this period.

18. Pill line and insulin line are conducted twice a day in housing units. Medical staff perform sick call every day on the housing units.

19. There has been a significant decrease in routine group meetings among inmates and staff.

20. Custody staff has been given an increased stock of PPE to be utilized in appropriate locations, *e.g.*, quarantined areas, isolation units, and screening sites. Also, for those staff members who have not received fit-testing for N-95 respirator masks, additional testing is being performed if requested by staff. Finally, surgical masks are available as well.

21. Access to legal counsel remains of paramount importance at MDC Brooklyn. MDC Brooklyn is mitigating the risk of exposure by increasing the amount and provision of legal calls and now offering video teleconferences (VTC) with attorneys on a limited basis.

22. MDC medical staff is prioritizing immediate medical care for anyone who claims symptoms indicative of COVID-19 infection.

23. MDC employees have been urged to stay home if they are ill, and individuals conducting health screening at the front entrance can deny an employee entry if he or she reports a fever or symptoms consistent with COVID-19.

24. To date, there has only been one inmate who has tested positive for COVID-19. There have been five confirmed cases of staff members who have tested positive for COVID-19.

25. MDC has identified inmates who fall into categories designated by the CDC as higher risk for COVID-19. This list is updated periodically, especially as guidance by the CDC regarding who is at greater risk is updated.

26. On March 13, 2020, BOP's Central Office issued nationwide guidance regarding modified operations to prevent and mitigate the spread of COVID-19. The guidance has undergone updates since they were first issued. Latest updates available at:

[https://www.bop.gov/coronavirus/covid19\\_status.jsp](https://www.bop.gov/coronavirus/covid19_status.jsp). Excerpts are attached as Exhibit 3.

### **History of COVID-19 at MDC**

27. On or about March 16, a holdover inmate was brought to MDC Brooklyn. This inmate was transported to the hospital on March 19, 2020. He was tested at the hospital, and returned to MDC Brooklyn on March 20, 2020 to be isolated and monitored. The inmates on his housing unit on March 19, 2020, were isolated as well.

28. On March 21, 2020, it was reported that the inmate tested positive for COVID 19.

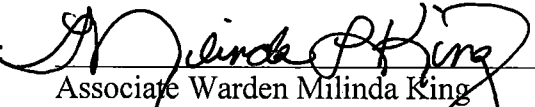
29. The inmate who originally tested positive is no longer symptomatic, has been isolated for 10 days, and consistent with CDC and BOP guidance, has been released to general population.

30. The situation is contained, but also continuously monitored for future developments, and further guidance and action as appropriate.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on this 31st day March, 2020.

By:

  
Associate Warden Milinda King  
Metropolitan Detention Center, Brooklyn